IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 29331 of 2007(P)

PETITIONER:

U.M.SAJILA, AGED 40 YEARS,
W/O. MURALEEDHARAN, UPPER PRIMARY SCHOOL
ASSISTANT, AZHIKODE NORTH U.P.SCHOOL,
P.O.AZHIKKAL, KANNUR DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, TRIVANDRUM-14.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR P.O., KANNUR-2.

3. THE ASSISTANT EDUCATIONAL OFFICER,
PAPPINISSERI, P.O.PAPPINISSERI, KANNUR DISTRICT.

4. THE HEADMASTER,
AZHIKODE NORTH U.P.SCHOOL, P.O.AZHIKKAL,
KANNUR DISTRICT.

R1 TO R3 BY GOVT. PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P (C).NO. 29331 OF 2007 -

Dated this the 4th day of October, 2007

J U D G M E N T

The petitioner was an Upper Primary School Assistant in the fourth respondent's school which is an aided school. The issue involved in this writ petition relates to grant of maternity leave for the period from 6.9.1993 to 3.12.1993. The same has been rejected on the ground that the petitioner was only a temporary teacher and therefore, she is not eligible for maternity leave. The petitioner points out that as per Note I of Rule 100 of Part I of the Kerala Service rules, temporary female officers are also entitled to maternity leave. In spite of the direction in W.P(C) No.11308 of 2005, the Assistant Educational Officer has, instead of considering the question on merits, passed on the matter to the Headmaster. The Headmaster has now again rejected the claim of the petitioner for maternity leave. In the above circumstances, the petitioner has

filed Ext.P9 revision petition before the first respondent. The petitioner seeks a direction to the first respondent to consider and pass appropriate orders on Ext.P9, expeditiously.

2. I have heard the learned Government Pleader also.

3. In the facts and circumstances of the case, there would be a direction to the first respondent to consider and pass appropriate orders on Ext.P9 expeditiously. I make it clear that I have considered the matter on merits and it is absolutely for the first respondent to consider the same in accordance with law.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED: 07-09-2007